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TAGS: [AORC](#) [UUNR](#) [UNGA](#)  
SUBJECT: 62ND UNGA: FIFTH COMMITTEE APPROVES RESOLUTION TO  
STRENGTHEN INVESTIGATIONS

¶1. Members of the Fifth Committee formally approved a draft resolution (full text - para 4) on March 28 aimed at strengthening investigations within the UN. The resolution welcomes efforts already being made by the Office of Internal Oversight Services (OIOS) to improve the conduct of investigations and encourages OIOS to build the capacity of UN staff through enhanced training programs to support administrative inquiries and investigations. The Fifth Committee deferred a decision on whether to approve OIOS' proposed relocation of its investigators to three regional hubs until this matter can be considered by the Committee during discussions of the peacekeeping support account which are scheduled for the second resumed session in May. On April 3, the General Assembly formally adopted the text approved by the Fifth Committee.

¶2. Despite the efforts of Singapore during the Fifth Committee's consideration of reports by the Secretary-General and OIOS on strengthening investigations (A/62/582 and Annex) to pose question after question to OIOS concerning the protection of due process rights of UN staff who may be the targets of internal probes, most other delegations agreed on the need to strengthen the investigations function within the UN, to improve training of heads of office and program managers who conduct administrative inquiries, and, interestingly, to dissuade the Secretary-General from proceeding with plans to conduct a comprehensive review of investigations for presentation to the General Assembly during the 63rd session. In this regard, the resolution approved March 28 calls upon the SYG to submit terms of reference to the GA for such a study "before the General Assembly decides on the necessity of such a review."

¶3. Singapore's posturing during the course of the Fifth Committee's discussion on investigations was offset, in the end, by their advocacy of maintaining the investigations function within OIOS, a view widely expressed by other delegations. Although rumors persist that the SYG wants to split investigations from OIOS and create a new investigations unit, the language in the resolution approved March 28 requiring submission to the GA of terms of reference for Assembly review and approval before a comprehensive review of investigations is begun should effectively dissuade those in the Secretariat who favor establishment of a separate investigations unit.

¶4. TEXT OF RESOLUTION APPROVED MARCH 28 BY THE FIFTH COMMITTEE AND ADOPTED APRIL 3 BY THE GENERAL ASSEMBLY:

Begin text:

The General Assembly,

Recalling its resolutions 48/218B of 29 July 1994, 54/244 of 23 December 1999, 57/282, section IV, of 20 December 2002, 59/272 of 23 December 2004, 59/287 of 13 April 2005, 61/245 of 22 December 2006, 61/275 and 61/279 of 29 June 2007,

61/267 B of 24 July 1997 and 62/234 of 22 December 2007,

Recalling also paragraph 10 of its resolution 59/287,

Having considered the report of the Secretary-General on strengthening investigations (A/62/582 and Corr.1) , the report of the Office of Internal Oversight Services on the activities of the Procurement Task Force for the 18-month period ended 30 June 2007 (A/62/272), the note by the Secretary-General transmitting his comments thereon and the

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related report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.35),

¶1. Takes note of the report of the Office of Internal Oversight Services and the related note by the Secretary-General;

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¶2. Endorses the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

¶3. Notes in particular the concern of the Advisory Committee stated in paragraph 5 of its report;

¶4. Stresses that the lack of explicitly written rules and regulations for procedures relating to investigations negatively affects fairness and due process rights;

¶5. Expresses concern that the current investigations manual of the Office of Internal Oversight Services appears to lack useful and practical information for investigators compared with similar manuals used in other international organizations and that it also appears not to contain sufficient working instructions for conducting investigations;

¶6. Notes with appreciation the efforts being made by the Office of Internal Oversight Services to improve the conduct of its investigations by applying international best practices and ensuring respect for the due process rights of all United Nations staff;

¶7. Affirms that transparent, predictable, accountable and objective operational strategies and investigation procedures contribute to the effective functioning of the system of administration of justice;

¶8. Notes with concern that concerns have been raised regarding due process rights in investigations, stresses that the due process rights afforded the staff in investigations carried out by the Office of Internal Oversight Services have to withstand review by the system of administration of justice, and reiterates its request to the Secretary-General to develop a comprehensive approach to fully undertake the Organization's responsibility in ensuring the due process rights of its staff under investigation;

¶9. Re-emphasizes the principle of separation, impartiality and fairness on the part of those with responsibility for investigation functions;

¶10. Stresses that the purpose of the Office of Internal Oversight Services is to assist the Secretary-General in fulfilling his internal oversight responsibilities;

¶11. Reaffirms that the Office of Internal Oversight Services is the internal body entrusted with investigation in the United Nations;

¶12. Also reaffirms that trained heads of offices, programme managers and boards of inquiry, as well as the Department of Safety and Security and the Ethics Office, may carry out

administrative inquiries and investigations, except in cases of serious misconduct and/or criminal behavior, in accordance with resolution 59/287;

¶13. Takes note of the development of a comprehensive training module designed to build the capacity of United Nations staff to support administrative inquiries or investigations, as well as of a special training programme for investigating allegations of sexual harassment, by the Office of Internal Oversight Services;

¶14. Recalls paragraphs 3, 8 and 10 of its resolution 59/287, and requests the Secretary-General to continue to increase basic investigation training, as appropriate, for the handling of minor forms of misconduct;

¶15. Reaffirms its decision that in cases of serious misconduct and/or criminal behavior, investigations should be conducted by professional investigators;

¶16. Also reaffirms that any changes that have administrative and financial implications be submitted by the Secretary-General and be subject to the review and approval

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of the General Assembly in accordance with established procedures;

¶17. Requests the Secretary-General to prepare, in close cooperation with the Office of Internal Oversight Services, for its consideration at its sixty-third session, a report providing detailed information regarding, inter alia:

- a) the status of implementation of its resolution 59/287;
- b) updated and detailed information on all the entities other than the Office of Internal Oversight Services carrying out administrative inquiries and investigations, their legislative basis and precise role, the number and types of cases handled, related resources, reporting mechanisms, standards and guidelines involved and training imparted;
- c) the status of work done under general temporary assistance resources equivalent to six positions to establish a training capacity for the Investigations Division to enable programme managers to handle category II cases of misconduct and the assessment of such work and any other related work carried out for the same purpose, as well as the future workplan thereof;

¶18. Also requests the Secretary-General to prepare for its consideration and approval, in close cooperation with the Office of Internal Oversight Services, a report providing detailed information on terms of reference with regard to the proposed comprehensive review of investigations in the United Nations before the General Assembly decides on the necessity of such a review, taking into account the role and mandate of

the Office of Internal Oversight Services as established in its resolution 48/218 B, the framework for investigation adopted in its resolutions 57/282, section IV, and 59/287, the reform of the system of administration of justice, the decisions of the Assembly to strengthen the investigation function of the Office of Internal Oversight Services and its decisions on the accountability framework, results-based management, enterprise risk management and the internal control framework;

¶19. Further requests the Secretary-General to report to the General Assembly on practices related to the sharing of information between the Organization and law enforcement authorities of Member States as well as to referrals to such authorities of possible criminal cases related to United Nations staff, United Nations officials and experts on mission, taking into account its resolution 62/63 of 6 December 2007 and other relevant legal instruments.

End text.

